

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-6, 8-24 and 26-33 are pending in the present application. Claims 8, 26, 32 and 33 are amended in the present amendment.

Claim amendments find support in the claims as originally filed. Thus, no new matter is added.

In the outstanding Office Action, Claims 8 and 26 are objected to as including informalities, Claims 32 and 33 were rejected under 35 U.S.C. 102(b) as anticipated by Van Hees (EP 1130190); Claims 1-6, 9, 9, 12-14, 16-24, 26, 27, 30 and 31 were rejected under 25 U.S.C. 103(a) as unpatentable over Van Hees in view of Kajander et al. (U.S. Pat. No. 6,723,670, herein "Kajander").

Initially, Applicants and Applicants' representatives thank Examiner Laux for the courtesy of the interview conducted on October 3, 2006. During the interview, an updated translation of the Van Hees reference was discussed. Specifically, it was discussed that the updated translation of Van Hees translates the French phrase "Dalle ou Chape" as "Slab or Screed". Further it was discussed that the French word "dalle" should be translated slab in light of the word's use in the context of construction of buildings.

In regard to the objection to Claims 8 and 26 as including improper dependencies, Claims 8 and 26 are amended to recite proper dependencies. Accordingly, it is respectfully requested that the objection to Claims 8 and 26 be withdrawn.

In regard to the prior art rejections of the claims, the rejection of Claims 32 and 33 under §102(b) as anticipated by Van Hees and the rejection of Claims 1-6, 9, 9, 12-14, 16-24, 26, 27, 30 and 31 under §103(a) as unpatentable over Van Hees and Kajander are respectfully traversed.

Claim 1, recites,

An assembly comprising a wood floor juxtaposed with a material comprising a felt of mineral fibers wherein the felt includes binder that is in an amount from 3 to 30% by weight.

Claim 32 similarly recites a wood floor.

According to the updated translation discussed in the interview, Van Hees describes a glass fiber mat used for sound insulation of a floating slab. Further Van Hees describes that the floating slab or screed is made of cement.¹ Additionally, Van Hees describes that a waterproof material must cover the insulating material to protect the material from the moisture in the cement.²

However, Van Hees does not describe or suggest a wood floor as is recited in Claims 1 and 32. The outstanding Office Action, cites page 1, lines 30-32 of Van Hees as describing a wood floor,³ however, the cited portion of Van Hees merely states that a floating slab or screed is used. As noted above, Van Hees specifically notes that the floating slab is made of concrete,⁴ wood is never mentioned.

As noted in the M.P.E.P. §2143.03, “to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” Therefore, as Van Hees does not describe or suggest a wood floor, Claims 1 and 32 and claims depending therefrom patentably distinguish over Van Hees.

Additionally, Kajander does not cure the above noted deficiencies of Van Hees with respect to the above noted feature of a wood floor.

Further, Claim 32 has been amended to clarify that material is placed on a floor base and under a wood floor in a room, in order to attenuate the impact noise created in the room caused by an impact with said wood floor.

¹ Van Hees, page 1, line 23.

² Van Hees, page 3, lines 4-16.

³ outstanding Office Action, page 3, first paragraph.

⁴ Van Hees, page 1, line 23.

Although Van Hees reference improves sound insulation, Van Hees does not describe or suggest attenuating sound created in the same room.

Accordingly, in light of the above discussion, Applicants respectfully submit that Claim 1 and claims depending therefrom patentably distinguish over Van Hees and Kajander considered alone or in any proper combination.

Additionally, with respect to Claims 1 and 20 applicants respectfully traverse the combination of Kajander and Van Hees.

The outstanding Office Action states on page 3, last paragraph, that “it would have been obvious to one of ordinary skill in the art to modify the mat of Van Hees with the mat of Kajander since it has good handlability.” The M.P.E.P. states in §706.02(j) that “to establish a prima facie case of obviousness...there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.”

In the outstanding Office Action, the motivation cited for combining the references is that Kajander would provide “good handlability.” However, Van Hees states on page 8, line 16-19 that “the low thickness of a glass fibre mat and the flexibility of a plastic film allow the substrate to be presented in the form of a roll.” In other words the mat of Van Hees already provides “good handleability,” therefore there would be no motivation to modify the mat of Van Hees with the mat of Kajander. Additionally, the mat of Kajander is for use on gypsum wallboards.⁵ It would not have been obvious to one skilled in the art to use a mat designed for wallboards for use as a floor base.

Accordingly, Applicants respectfully submit that Claims 1 and 20 and claims depending therefrom patentably distinguish over Van Hees and Kajander considered alone or in any proper combination.

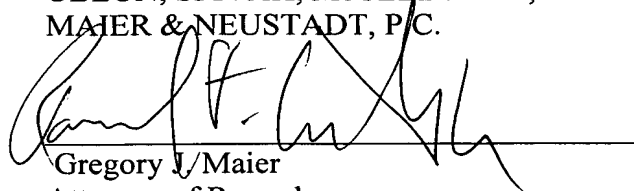
⁵ Kajander, abstract.

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Consequently, in light of the above discussion and in view of the present amendment, the application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Gregory J. Maier', is written over a horizontal line.

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